

NO. 24189

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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STATE OF HAWAI'I, Plaintiff-Appellee

vs.

FERNANDO HERNANDEZ, Defendant-Appellant

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APPEAL FROM THE FIRST CIRCUIT COURT  
(CR. NO. 00-1-1931)

SUMMARY DISPOSITION ORDER

(By: Moon, C.J., Levinson, Nakayama, Ramil, and Acoba, JJ.)

Defendant-appellant Fernando Hernandez (Hernandez)

appeals from the circuit court of the first circuit's March 1, 2001 judgment of conviction and sentence for the offense of Promoting a Dangerous Drug in the Third Degree, in violation of Hawai'i Revised Statutes (HRS) § 712-1243 (1993). Hernandez timely filed a notice of appeal on April 2, 2001. On appeal, Hernandez argues that the circuit court, the Honorable Michael A. Town presiding, erred in permitting juror questioning of witnesses.

Upon carefully reviewing the record and the briefs submitted by both parties and having given due consideration to the arguments advanced and the issues raised, we hold that the circuit court did not abuse its discretion in permitting juror

questioning of witnesses. See State v. Culkin, 97 Hawai'i 206, 224-32, 35 P.3d 233, 251-59 (2001). Therefore,

IT IS HEREBY ORDERED that the circuit court of the first circuit's March 1, 2001 judgment of conviction and sentence is affirmed.

DATED: Honolulu, Hawai'i, May 21, 2002.

On the briefs:

Joyce K. Matsumori-Hoshijo,  
Deputy Public Defender,  
(Salina Kanai, Law Student  
Intern with her on the brief)  
for defendant-appellant

Loren J. Thomas,  
Deputy Prosecuting Attorney,  
for plaintiff-appellee